

# Exhibit E

**Hetherington, Andrew M.**

---

**From:** Hetherington, Andrew M.  
**Sent:** Monday, July 13, 2015 8:33 PM  
**To:** Moskowitz, Lauren  
**Cc:** Clary, Richard; Benjamin Diessel; Ward, John B.; Schultz, Thomas G.; Hetherington, Andrew M.  
**Subject:** NCUA v Credit Suisse

Lauren --

I write to address two issues concerning Credit Suisse's discovery responses.

1. Credit Suisse has acknowledged that it is required to supplement its responses to NCUA's interrogatories to account for the reinstated certificates in the District of Kansas. Those amendments were due either 33 days after the certificates were formally reinstated by the Court or, for those interrogatories served after reinstatement, 33 days after service. As a courtesy, NCUA will provide an extension [until July 31, 2015](#). Please confirm that Credit Suisse will serve no later than [July 31, 2015](#) supplemental responses to all of NCUA's outstanding interrogatories, reflecting all of the parties' agreements about Credit Suisse's previous responses. If Credit Suisse cannot confirm this by the end of this week, please provide a time you are available to meet and confer [on Monday July 20](#).

2. The deadline for Credit Suisse to certify substantial completion of its supplemental production of documents pertaining to the reinstated certificates is [August 14, 2015](#). Credit Suisse made a similar certification on October 31, 2014 with regard to the non-dismissed certificates; yet, setting aside Credit Suisse's production of transcripts and exhibits from other matters, we calculate that Credit Suisse has produced 36% of its production (by records, or 46% by pages) *after* that date, including a production we received as recently as July 9, 2015. By the end of this week, please explain why Credit Suisse did not produce the vast majority of these documents by October 31, 2014, why Credit Suisse believed it was appropriate to certify to the Courts that it had substantially completed its production by that date, and what steps Credit Suisse intends to take to ensure that it will in fact substantially complete its production pertaining to the reinstated certificates by [August 14](#).

Regards,  
Andrew

Andrew M. Hetherington  
Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC  
[1615 M Street NW, Suite 400](#)  
[Washington, DC 20036-3209](#)  
[\(202\) 326-7948](#) (Office)  
[\(202\) 326-7900](#) (Reception)  
[\(202\) 326-7999](#) (Fax)  
[ahetherington@khhte.com](mailto:ahetherington@khhte.com)

NOTICE: This transmission is intended only for the use of the addressee and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or

copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately via reply e-mail, and then destroy all instances of this communication. Thank you.